

**REMARKS**

***Status of Application***

Claims 1-6, 8-11, 13-18, 20-24, 27, 28 and 31-34 are pending in the Application. Claim 34 is withdrawn pursuant to a restriction requirement from the Examiner.

***Interview***

On December 29, 2008, Christopher J. Pfister, Registration No. 63,213, on behalf of Applicant, conducted an interview with the Examiner. A Statement of Substance of Interview is attached.

Applicant thanks the Examiner for her time in conducting this interview.

***Elections/Restrictions***

In the Office Action, the Examiner indicates that claim 34 is directed to a different embodiment which would require additional search and/or consideration, and therefore has imposed a restriction requirement. Furthermore, the Examiner has constructively elected claims 1-33 for prosecution on the merits.

Applicant submits that this constructive election was improper. There is nothing in the disclosed figures or text that would suggest that claim 34 is in any way mutually inconsistent with the remaining claims. The independent claims are each able to read on the Figures, for example, and there is no basis for the restriction and no additional burden on the Examiner.

Accordingly, Applicant respectfully requests that claim 34 be examined.

***Claim Rejections - 35 U.S.C. § 103***

**Claims 1, 4-6, 9-11, 15, 17, 18, 24, 31, and 32**

Claims 1, 4-6, 9-11, 15, 17, 18, 24, 31 and 32 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Watanabe et al. (U.S. 4,825,201, hereinafter “Watanabe”) in view of Mayer, III et al. (U.S. 6,690,337, hereinafter “Mayer”). Applicant respectfully traverses.

In the Amendment filed June 17, 2008, Applicant argued in part that Watanabe fails to teach or fairly suggest a “power source common to the plurality of flat panel displays.” In response, the Examiner asserts that “[c]learly, Watanabe disclose[s] power source (PS1) to the elements of the display unit 2, or if the display system does not provide a power supply, how can it work.” See Office Action at page 14, 1<sup>st</sup> full paragraph. In the above-noted interview, the Examiner reiterated this argument.

Regarding power source PS1, Watanabe recites the components of the remote box 4, and then states that a “power source PS1 is provided to supply a stable D.C. voltage to each of the elements [of the remote box 4].” See col. 3, line 66 - col. 4, line 13. There is no teaching in Watanabe that PS1 supplies power to anything other than the remote box 4. The Examiner is asserting that PS1 is the only possible way to power the displays 2. By that reasoning, PS1 is also the only power source available for the controller 8. However, Watanabe teaches that the controller 8 uses a separate power source PS2. See col. 4, lines 42-51.

Applicant submits that the Examiner cannot conclude that, simply because the plurality of displays must be getting power from some source, they must be all getting power from PS1. Applicant submits that there is no teaching in Watanabe that PS1 powers anything other than the control box, and that without a showing to the contrary, the Examiner is improperly assuming that the common power supply is an inherent feature.

The Examiner further contends that the claimed “casing for integrally accommodating said plurality of flat panel displays” is inherent in Watanabe. In the above-noted interview, the Examiner asserted that the plurality of screens should be in a casing or housing. However, the Examiner has failed to rebut the possibility that the displays are arranged side by side in separate housings. Furthermore, the Examiner correctly concedes that no such integral casing is shown in the cited art.

Applicant submits that, both for the claimed power supply and the claimed casing, the Examiner is merely relying on unsupported assumption and possibilities to support the rejection. However, reliance on such possibilities is improper<sup>1</sup>. Accordingly, Applicant maintains that Watanabe does not teach the claimed power source common to the plurality of flat panel displays, or the claimed casing for integrally accommodating the displays. Applicant further submits that Mayer does not cure this deficiency.

Furthermore, the Examiner states that Mayer discloses three panels of 1280 pixels x 1024 pixels, in which a screen size in a diagonal line direction should allegedly be inherently 10 inches to 25 inches and an aspect ratio is 1 to 4/3. However, the panel of Mayer is not 1200 pixels x 1600 pixels or more, as explicitly recited in claim 1. Applicant further submits that the number of pixels has no relation to the screen size in a diagonal direction. Furthermore, Mayer has no description that the pixel size is 50  $\mu\text{m}$  to 240  $\mu\text{m}$  or less. The Examiner gives no evidence of where this feature is taught, and instead assumes that such a size is taught because Mayer discloses a panel size of 1280 pixels x 1024 pixels and “should have a diagonal line direction about 10 inches to 25 inches...because display screen size always has a diagonal line

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<sup>1</sup> *In re Robertson*, 49 USPQ 2d 1949, 1951 (Fed. Cir. 1999)

direction.” See Office Action at page 4, 2<sup>nd</sup> full paragraph. Applicant submits, as above, that assuming without support that a feature is inherent is not sufficient for a *prima facie* case of obviousness under 35 U.S.C. § 103(a). Accordingly, Applicant submits that the cited art does not teach the claimed display size or pixel size.

Applicant notes the Examiner asserts throughout the Office Action that various claimed features “should” be present, without showing where these features are taught in the prior art. Examples include the claimed power supply, casing, display size, and pixel size, discussed above. Applicant submits that the Examiner has not provided a *prima facie* case of obviousness for any of these features. Reasons for rejections should not be described by assuming that a feature “should” exist, but by providing evidence which is supported by the cited art. Since a case of *prima facie* obviousness could not be provided in the Office Action, Applicant submits that the rejections were made by improper hindsight based on claims of the present invention.

Accordingly, Applicant submits that claims 1, 31, and 32 are patentable over the cited art, and claims 4-6, 9-11, 15, 17, 18, and 24 are patentable over the cited art at least by virtue of their respective dependencies.

Further regarding dependent claims 6, 9, 10, 17, and 18, in the above-noted interview the Examiner admitted that she had not considered the arguments presented for these claims in the Amendment filed June 17, 2008. Accordingly, Applicant reiterates these arguments below, and respectfully requests that the Examiner consider the arguments for the separate patentability of these claims.

Regarding claim 6, Applicant submits that Watanabe does not teach that at least one of the plurality of flat panel displays is different from the others in terms of screen size, pixel size, number of pixels, or aspect ratio. Whenever Watanabe discusses the screens, it refers to them as

interchangeable, i.e. substantially similar to one another. Col. 2, line 16-33, summarizing the invention, refers to the display panels as a group, and does not specify that any one is significantly different from the others in any way. The section cited by the Examiner, col. 2 line 16-19, only states that the screens are arranged so as to form a larger picture image screen. In the above-noted interview, the Examiner agreed that the cited art does not teach or suggest making any one of the individual screens different from the others, but the Examiner also indicated that the larger picture screen formed by the displays is read as being a screen which is different from the others in terms of size.

Applicant submits that claim 6 explicitly recites “wherein at least one of said plurality of flat panel displays has [different features].” Applicant submits that the Examiner may not read the display formed by the plurality of flat panel displays as corresponding to one of “said plurality of flat panel displays.” Applicant accordingly submits that Watanabe does not teach the features of claim 6. Applicant further submits that Mayer does not cure this deficiency. Hence, Applicant submits that claim 6 is separately patentable over the cited art in addition to by virtue of its dependency.

Regarding claim 9, the Examiner asserts that Watanabe teaches that the plurality of flat panel displays may include one or more flat panel displays that display a color image. However, the Examiner failed to assert that Watanabe teaches the remaining features of claim 9. That is, one or more flat panel displays that display a monochrome image, or a control unit which judges whether an image to be displayed is a color image or a monochrome image. Applicant submits that Watanabe actually teaches away from having monochrome screens. Col. 1, line 13-20 of Watanabe describes the field of the art as being only multi-color displays. Mayer does not cure

this deficiency. Therefore, Applicant submits that claim 9 is separately patentable over the cited art in addition to by virtue of its dependency.

Regarding claim 10, the Examiner asserts that this claim is rejected for the same reason as claim 9. Even ignoring the issue that claim 9 is patentable over the rejection, Applicant submits that claim 10 does not claim the same features as claim 9. Applicant further submits that Watanabe does not teach these features, i.e., a color flat panel display which is used as an interface for controlling image displaying in each of the other displays. In Watanabe, the display control is embodied in a separate control box, not on any of the screens. (See Watanabe col. 3 line 3-18). Applicant submits that Mayer does not cure this deficiency. Hence, Applicant submits that the cited art, alone or in combination, does not teach every feature of claim 10, and that claim 10 is therefore separately patentable over the cited art in addition to by virtue of its dependency.

Regarding claim 17, the Examiner asserts that it would have been obvious to one having ordinary skill in the art to combine the teachings of Watanabe and Mayer, "because this would provide the power supply to the display panels." (see 2/21/2008 Office Action, page 5). However, the display panels of Watanabe presumably already have a power supply. The Examiner has even asserted in the rejection of claim 1 that there is such a power supply. Applicant accordingly submits that merely providing a power supply is insufficient reason for a person having ordinary skill in the art to combine Watanabe and Mayer, and as a result the rejection is improper. Applicant submits that claim 17 is therefore separately patentable over the cited art in addition to by virtue of its dependency.

Regarding claim 18, the Examiner again cites to Watanabe FIG. 2 as allegedly showing the power supply for the display screens. As discussed above, this is incorrect. The power

supply depicted in Watanabe FIG. 2 is the power supply for the control box, and does not power the display screens. Applicant submits that Watanabe has no teaching towards having a single common power supply which supplies driver power to all the screens. Mayer does not cure this deficiency. Hence, Applicant submits that claim 18 is separately patentable over the cited art in addition to by virtue of its dependency.

Claim 3

Claim 3 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Watanabe et al. (U.S. 4,825,201) in view of Mayer, III et al. (U.S. 6,690,337) and further in view of Suzuki (U.S. 6,344,836).

Applicant submits that Suzuki does not cure the above-noted deficiencies in Watanabe and Mayer. Hence, Applicant submits that claim 3 is patentable over the cited art at least by virtue of its dependency from claim 1.

Furthermore, Applicant submits that it is not enough for the Examiner to demonstrate that all claim features may be found in the prior art. Applicant submits that the Examiner must identify a reason that would have prompted a person of ordinary skill in the relevant art to combine the elements in the way the claimed new invention does<sup>2</sup>.

Watanabe discloses a system for controlling the image quality of a plurality of flat screens arranged to display a larger image. In effect, it discloses making a large display out of several smaller displays. Suzuki discloses an information browsing system which may incorporate multiple displays, for displaying different information, or displaying the same information in different locations. (See Suzuki col. 2 line 40-67). Applicant submits that,

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<sup>2</sup> *KSR v. Teleflex*, 127 S. Ct. 1727, 1741 (2007)

although the two references may both use display screens, they use these screens for different ends. Therefore, Applicant submits that a person having ordinary skill in the art would not have been motivated to combine Watanabe with Suzuki. Applicant submits that claim 3 is therefore separately patentable over the cited art in addition to by virtue of its dependency.

Claim 2

Claim 2 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Watanabe et al. (U.S. 4,825,201) in view of Mayer, III et al. (U.S. 6,690,337) and Inbar (U.S. 6,119,380) and further in view of Suzuki (U.S. 6,344,836).

First, Applicant submits that the above-noted arguments regarding the teachings of Watanabe and Mayer regarding the claimed common power supply and casing for integrally accommodating the displays remain valid. Applicant further submits that neither Inbar nor Suzuki cure these deficiencies.

Furthermore, Applicant submits, as above, that, as above for claim 3, it would not have been obvious to a person having ordinary skill in the art to combine Suzuki with Watanabe. Applicant further submits that it would not have been obvious to combine Inbar with Watanabe. Inbar teaches a transparency viewing apparatus. Applicant submits that a person with ordinary skill in the art would have no reason to combine Inbar's apparatus with Watanabe's multiple flat screen display.

Accordingly, Applicant submits that the cited art does not teach or even fairly suggest the features of claim 2, and that claim 2 is patentable over the cited art.



Claims 8, 16, and 33

Claims 8, 16 and 33 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Watanabe et al. (U.S. 4,825,201) in view of Mayer, III et al. (U.S. 6,690,337) in view of Inbar (U.S. 6,119,380).

Applicant submits that Inbar does not cure the deficiencies of Watanabe. Hence, Applicant submits that claims 8, 16, and 33 are patentable over the cited art at least by virtue of their dependencies from claim 1.

Applicant also reiterates that, as above for claim 2, it would not have been obvious to a person having ordinary skill in the art to combine Inbar with Watanabe.

Further regarding claim 33, Applicant submits that Inbar does not teach that “whether an image to be displayed is a color image or a monochrome image is determined from a kind of diagnostic apparatus with which the image is obtained.” The Examiner cites to selections of Inbar that teach viewing transparencies. Applicant submits that there is no teaching in Inbar towards a diagnostic apparatus which decides whether an image is to be in color or black and white. Hence, Applicant submits that claim 33 is separately patentable over the cited art in addition to by virtue of its dependency.

Claims 13-14, 20-23, and 27-28

Claims 13-14, 20-23 and 27-28 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Watanabe et al. (U.S. 4,825,201) and Mayer, III et al. (U.S. 6,690,337) in view of Berman et al. (U.S. 6,448,956). Applicant respectfully traverses.

First, Applicant submits that Berman does not cure the above-noted deficiencies of Watanabe and Mayer. Hence, Applicant submits that claims 13-14, 20-23, and 27-28 are patentable at least by virtue of their respective dependencies from claims 1 and 2.

Secondly, the Examiner is asserting that Berman discloses the use of hard copies in medical analysis. (See Berman col. 1 line 43-48). However, Applicant submits that the Examiner has failed to show that Berman teaches “an output unit for outputting a hard copy.” In fact, Berman is aimed at digital manipulation of a medical image (see Berman col. 1 line 49-54), which would obviate the need for hard copies. Applicant submits that claims 13-14, 20-23, and 27-28 are therefore separately patentable over the cited art in addition to by virtue of their respective dependencies.

Claim 33

Claim 33 is rejected under 35 U.S.C. § 103(a) ) as allegedly being unpatentable over Watanabe et al. (U.S. 4,825,201) and Mayer, III et al. (U.S. 6,690,337) and Suzuki (U.S. 6,344,836) as applied to claims 1 and 9 above, and further in view of Inbar (U.S. 6,119,380). Applicant respectfully traverses.

Applicant submits that neither Suzuki nor Inbar cure the above-noted deficiencies of Watanabe and Mayer. Hence, Applicant submits that claim 33 is separately patentable over the cited art at least by virtue of its dependency from claim 1.

Furthermore, as noted above, Inbar does not teach that “whether an image to be displayed is a color image or a monochrome image is determined from a kind of diagnostic apparatus with which the image is obtained.” The Examiner cites to selections of Inbar that teach viewing transparencies. There is no teaching in Inbar towards a diagnostic apparatus which decides whether an image is to be in color or black and white. Hence, Applicant submits that claim 33 is separately patentable over the cited art in addition to by virtue of its dependency.

***Conclusion***

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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/Christopher J. Pfister/  
Christopher J. Pfister  
Registration No. 63,213